

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES THOMAS

v.

U.S. AIRWAYS, et al.

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CIVIL ACTION
No. 13-6121

ORDER

AND NOW, this 13th day of May, 2014, upon consideration of a motion to dismiss by U.S. Airways, Inc., Azim McKnight and Prudence Laing (Dkt. No. 3) and plaintiff James Thomas's response thereto (Dkt. No. 5) and consistent with the accompanying memorandum of law, it is ORDERED that the motion is GRANTED in part and DENIED IN PART as follows:

1. The motion is GRANTED to the extent that it seeks dismissal of plaintiff's claims against U.S. Airways, Inc., Azim McKnight, Prudence Laing and U.S. Airways John Does 1-25 and Jane Does 1-25, in Counts VI, VII and VIII of plaintiff's complaint. Plaintiff's claims against U.S. Airways, Inc., Azim McKnight, Prudence Laing and U.S. Airways John Does 1-25 and Jane Does 1-25 in Count VI, VII and VIII are DISMISSED.

2. The motion is DENIED to the extent that it seeks dismissal of plaintiff's bad faith claims and allegations of recklessness in Count IX, X, XI and XIII of plaintiff's complaint.

3. The motion is DENIED to the extent that it seeks dismissal of plaintiff's Count IX, X, XI, XIII claims against U.S. Airways John Does 1-25 and U.S. Airways Jane Does 1-25.

It is FURTHER ORDERED that:

1. On or before May 27, 2014, plaintiff is permitted to file an amended complaint to the extent that he is able to allege facts sufficient to support his dismissed claims.

/s/ Thomas O'Neill
THOMAS N. O'NEILL, JR., J.